

**Please note: All articles are available in the attached PDF.*

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1 – Shelter-in-place ordered due to benzene levels in Texas city where chemicals facility burned for 3 days, CBS News, 3/21/19

<https://www.cbsnews.com/news/deer-park-texas-chemicals-facility-fire-shelter-in-place-benzene-live-updates-2019-03-21/>

The city of Deer Park, Texas, issued a shelter-in-place order early Thursday due to airborne levels of the hazardous chemical benzene in the wake of a three-day fire at a petrochemicals storage facility. City facilities, schools and some roads were closed.

2 - Flare-ups continue at Deer Park plant as emergency crews prepare for cleanup, Houston Chronicle, 3/21/19

<https://www.chron.com/news/houston-texas/houston/article/Deer-Park-chemical-fire-extinguished-overnight-13702369.php>

A fireball erupted at the Intercontinental Terminal Co. several hours after fire crews extinguished the days-long petrochemical blaze, causing black smoke to rise from the industrial site once again.

3 - Investigation set to begin amid smoldering Deer Park chemical tanks, Houston Chronicle, 3/21/19

<https://www.chron.com/news/houston-texas/houston/article/With-Deer-Park-chemical-blaze-out-county-moves-13704650.php>

After fire crews extinguished the chemical blaze at the Intercontinental Terminals Co. in Deer Park early Wednesday, the Harris County Fire Marshal's Office prepared to send investigators to the smoldering site as state and local officials pledged to closely monitor pollution from the accident.

4 - Bill to change how Arkansas farms get permits draws EPA review, Arkansas Democrat-Gazette, 3/21/19

<https://www.arkansasonline.com/news/2019/mar/21/bill-to-change-how-farms-get-permits-dr/>

Federal environmental regulators are reviewing an Arkansas Senate bill that would change how hog farms and other farms are permitted, concerned that it might have implications for the Clean Water Act and the state's implementation of that act.

5 - Mosaic stops pumping acid water from threatened lake in St. James, but is risk still there?, Baton Rouge Advocate, 3/20/19

https://www.theadvocate.com/baton-rouge/news/article_d4c8bc48-4735-11e9-8169-8b4fb5e82d22.html

Mosaic Fertilizer recently stopped draining a giant threatened lake of acidic water atop its waste pile in St. James Parish that some feared could break open and release its hazardous contents to harm surrounding swamps.

6 – Secret weapon to get heavy metals from Tar Creek: Compost helps treat contaminated water for past decade, Tulsa World, 3/20/19

https://www.tulsaworld.com/news/local/secret-weapon-to-get-heavy-metals-from-tar-creek-compost/article_323eff40-0884-5f91-ae39-cc35f8396500.html

Something about the compost at J-M Farms in Miami not only makes conditions right for growing mushrooms, but the fine fungal medium can also do some heavy lifting.

7 – People are dying from dirty water, not climate — Wheeler, E&E News, 3/20/19

<https://www.eenews.net/greenwire/2019/03/20/stories/1060127737>

EPA Administrator Andrew Wheeler believes water scarcity — not climate change — is the biggest global environmental threat. He made that point twice today, first in an interview with CBS News that aired this morning and later during remarks at a Wilson Center event.

8 - San Antonio devises ways to cut ozone, asks for community's help, San Antonio Express-News, 3/21/19

<https://www.expressnews.com/news/local/politics/article/San-Antonio-devises-ways-to-cut-ozone-asks-for-13704806.php>

More telecommuting. Flexible work schedules. Retiring older, diesel-burning school buses. Using more electric vehicles. Those are among the proposed changes to cut San Antonio's ozone levels.

9 - Footnote sparks wrangling on endangerment finding, E&E News, 3/20/19

<https://www.eenews.net/climatewire/stories/1060127685>

A footnote is renewing debate on how EPA should consider its 2009 determination that greenhouse gases harm human health and welfare as it rewrites climate rules.

10 – \$100 million cyanide plant kept alive by Jefferson Parish Council, New Orleans Times-Picayune, 3/20/19

<https://www.nola.com/politics/2019/03/100-million-cyanide-plant-kept-alive-by-jefferson-parish-council.html>

Cornerstone Chemical Co.'s plans to build a \$100 million cyanide plant at Waggaman were kept alive Wednesday (March 20) when the Jefferson Parish Council put off voting to revoke the permit it granted more than a year ago.

11 – Texas Senate approves \$1.8 billion package to assist with Harvey recovery, guard against future storms, Texas Tribune, 3/20/19

<https://www.texastribune.org/2019/03/20/texas-senate-hurricane-harvey-disaster-relief-bills/>

The Texas Senate on Wednesday unanimously approved a bipartisan package of bills that would pull \$1.8 billion from the state's rainy day fund to aid in Hurricane Harvey recovery and plan for and protect against future storms. The legislation was named a top priority by Lt. Gov. Dan Patrick.

12 – Communities urged to boost immunity to 'shock events', E&E News, 3/21/19

<https://www.eenews.net/climatewire/2019/03/21/stories/1060127817>

Local governments can better prepare for disasters by investing in resilience programs and tending to societal problems that are often made worse during and after catastrophes, a new scientific analysis has found.

13 – US judge blocks oil, gas drilling over climate change, Albuquerque Journal, 3/20/19

<https://www.abqjournal.com/1294146/us-judge-blocks-oil-gas-drilling-over-climate-worries.html>

A judge blocked oil and gas drilling across almost 500 square miles (1,295 sq. kilometers) in Wyoming and said the U.S. government must consider climate change impacts more broadly as it leases huge swaths of public land for energy exploration.

14 – Gulf lease bids hit \$244 million, 37 percent higher than August sale; double a year ago, Albuquerque Journal, 3/20/19

https://www.theadvocate.com/baton_rouge/news/business/article_44dfd966-4b5b-11e9-9014-577dc4239e0c.html

Oil and gas companies made \$244.3 million in high bids for federal leases in the Gulf of Mexico during a sale Wednesday. That's about 37 percent above what the last gulf-wide sale in August generated and nearly double the \$124 million that was raised at a lease sale in March 2018.

15 – Who's responsible for monitoring air quality in Texas?, KHOU, 3/20/19

<https://www.khou.com/article/news/local/whos-responsible-for-monitoring-air-quality-in-texas/285-a8860d26-4197-408b-aaad-32f9b5d55118>

Officials keep saying the air quality is safe, but a lot of our viewers say they don't trust them. Probably because of that huge black cloud of smoke looming over the entire area. But viewers might have another reason.

16 – EPA moves to regulate formaldehyde with health review hidden, E&E News, 3/20/19

<https://www.eenews.net/greenwire/2019/03/20/stories/1060127777>

EPA today began considering regulations on 40 chemicals including formaldehyde, a widely used carcinogenic substance. The move — part of an effort to comply with the Frank R. Lautenberg Chemical Safety for the 21st Century Act — immediately prompted concern from public health advocates, who want EPA to first publish its independent assessment of formaldehyde, and praise from the chemical industry.

Shelter-in-place ordered due to benzene levels in Texas city where chemicals facility burned for 3 days

UPDATED ON: MARCH 21, 2019 / 8:27 AM / CBS/AP

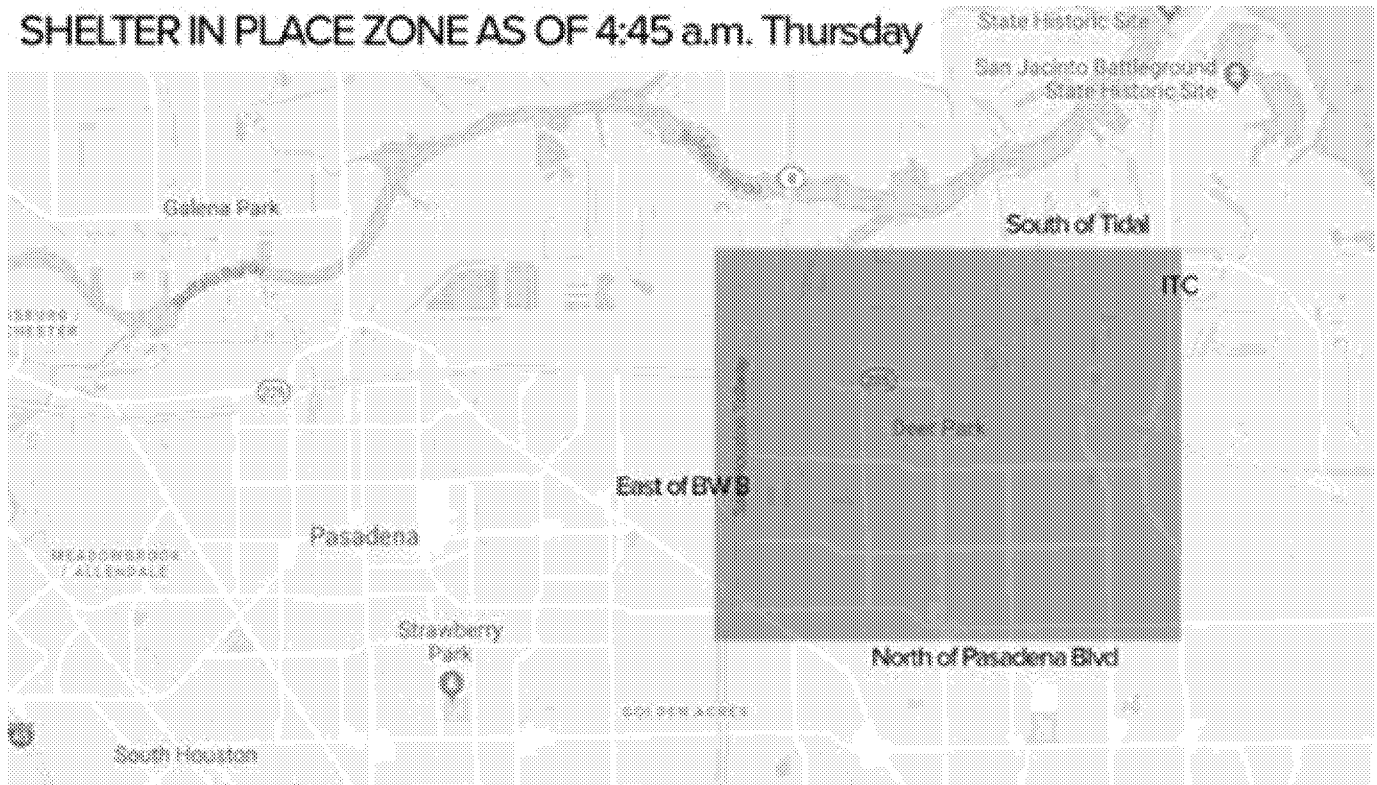
The city of Deer Park, Texas issued a shelter-in-place order early Thursday due to airborne levels of the hazardous chemical benzene in the wake of a three-day fire at a petrochemicals storage facility. City facilities, schools and some roads were closed.

Initially, the Intercontinental Terminals Company told its employees to stay indoors after it detected "action" levels of benzene at its tank farm southeast of Houston.

ITC said a "chemical odor incident occurred at our facility. At this time, (an) odor may be noticeable to the community. We are coordinating with local officials, and working to resolve the issue as soon as possible."

The order covered company workers and local officials recommended the same steps for several square blocks near the plant. No residences were affected.

SHELTER IN PLACE ZONE AS OF 4:45 a.m. Thursday



Area affected by shelter-in-place order around ITC plant in Deer Park, Texas early on March 21, 2019
KHOU-TV

But that changed when Deer Park officials evaluated the situation:



City of Deer Park
@DEERPARKTXGOV

A Shelter-in-Place has been issued for the City of Deer Park following reports of action levels of benzene or other volatile organic compounds (VOCs) within city limits. State Highway 225 is also being closed at this time from...

deerparktx.gov/1722/Shelter-I...

14 4:50 AM - Mar 21, 2019

38 people are talking about this



Francisco Sanchez
@DisasterPIO

HAPPENING NOW: Officials at @ReadyHarris Emergency Ops Center getting real-time data on air quality to support @deerparkoem and facility response to benzene readings in the area near ITC facility. #DeerParkFire

18 6:01 AM - Mar 21, 2019

30 people are talking about this

ITC later said benzene levels were "below those that represent an immediate risk. ... ITC responders are working actively to reduce the cause that may be responsible for the elevated readings."

The blaze hit multiple storage tanks at the facility and burned from early Sunday to early Wednesday and sent a huge, dark plume of smoke thousands of feet into the air.

It led to concerns about air quality among some residents and environmental groups despite reassurances from officials that testing shows nothing amiss during the fire and immediately after it was extinguished.

The tanks that caught fire contained components of gasoline and materials used in nail polish remover, glues and paint thinner. ITC said 11 of the 15 storage tanks located in the area where the fire occurred were damaged.

The blaze briefly flared up late Wednesday afternoon. The flare-up, which sent flames and smoke into the air, was contained within 30 seconds by firefighters, the city of Deer Park said in a tweet.

Before Thursday, the Environmental Protection Agency conducted air quality tests throughout the Houston area, both on the ground and from a small airplane, and "measured no levels of hazardous concentrations," said agency official Adam Adams.

The EPA also reviewed data collected by ITC, Harris County, where Houston is located, and by the Texas Commission on Environmental Quality and that data did not show hazardous concentrations of volatile organic compounds, Adams said.



Petrochemical fire at its height at the Intercontinental Terminals Company on March 18, 2019, in Deer Park, Texas

DAVID J. PHILLIP / AP

The state environmental agency said in a statement Wednesday that the benzene levels it found near and around the storage facility do not pose a health concern.

But some residents who live near the storage facility said Wednesday they don't have confidence in the air quality test results.

"Everything has been wrapped up in this nice perfect bow in saying that there were no problems. Every air quality was perfect. Every wind was perfect blowing it away. And if everything was so perfect, why did it happen?" longtime Deer Park resident Terri Garcia said.

Bryan Parras, an organizer in Houston with the Sierra Club, said some residents who live near the facility have experienced various symptoms since the fire, including headaches, nausea and nose bleeds. He said his environmental group has concerns not just about the air quality, but about potential impacts to the environment and the fishing industry if chemicals from the storage facility or foam used to fight the fire leaked into the Houston Ship Channel, which leads to the Gulf of Mexico.

Flare-ups continue at Deer Park plant as emergency crews prepare for cleanup

By Samantha Ketterer and Julian Gill Updated 8:02 pm CDT, Wednesday, March 20, 2019



IMAGE 1 OF 92

A plume of black smoke rises from the ITC industrial site on March 20, 2019, after an apparent flare-up.

6:50 p.m. update

A fireball erupted at the Intercontinental Terminal Co. several hours after fire crews extinguished the days-long petrochemical blaze, causing black smoke to rise from the industrial site once again.

An ITC spokeswoman attributed the soaring flames to a flare-up in a tank containing xylene, which was one of the first storage containers to catch fire. There was likely a break in the foam being poured on the tank, she said. Vapor can then ignite when it hits hot metal, she added.


Deer Park Emergency Services Director Robert Hemminger said the fire was extinguished within 30 seconds.

A strip of smoke, thinner than what had stretched across the Houston region since Sunday, poured out of the terminal site for several minutes before dissipating.

The spokeswoman said similar flare-ups could continue to happen as crews spray foam among the razed chemical tanks.

Earlier story below

The cause of the dayslong chemical fire at a Deer Park plant remains under investigation as emergency crews douse what's left of the now-extinguished blaze and prepare for clean-up, company officials said Wednesday.



Fire crews extinguished the blaze at Intercontinental Terminals Co. about 3 a.m., almost four days after it started on Sunday morning and which caused a plume of black smoke to linger over the Houston area.

the affected area to prevent the blaze from sparking again and steam and smoke may still be visible from the area. Eleven of the tanks, many containing gasoline components, were affected by fire.

"Reignition is possible, but with every passing hour, our risk of that is reduced," ITC spokeswoman Alice Richardson said Wednesday. "Our goal is to be good neighbors — good neighbors to our industry, good neighbors to our community. We're sorry for what has happened."

ON HOUSTONCHRONICLE.COM: Deer Park company battling fire accused of intentionally polluting water during Harvey

No serious injuries have been reported since the fire started at about 10:30 a.m. Sunday. Air quality levels were still at moderate levels Wednesday morning, according to AirNow.gov.

The Environmental Protection Agency is conducting air and water quality tests at the fire site and in the plume, EPA on-site coordinator Adam Adams said. The most concerning materials are particulates and "volatile organic compounds," but no hazardous levels have been found.

"Had we gotten some significant results that were hazardous, we would share that information with our stakeholders in the community as soon as possible to take action," Adams said at a news conference Wednesday morning at ITC's Pasadena plant.

The EPA is also looking into the potential impact at the Houston Ship Channel, Adams said. Water quality tests there have not yet been returned, determining what chemicals might have infiltrated the runoff.

Adams declined to comment on whether the EPA would spark its own investigation after the fact and said the organization is more concerned with the immediate monitoring for now.

ON HOUSTONCHRONICLE.COM: In Deer Park, 3 days of burning and a round of golf

The difference-maker between Tuesday morning — when officials walked back earlier estimates and declined to say when the fire would be snuffed out — was an offensive approach to the firefighting, Richardson said.

"They continued that proactive attack, tank by tank, and it was successful," she said.

It's unknown how full the 11 damaged tanks were prior to the fire, and how full they are now. The tank that sparked the incident — 80-8, a tank of naphtha in the middle of the 15-tank block — was the fullest, with 72,000 barrels. Another had 60,000 barrels, and several others were well below that, said David Wascome, vice president of operations at ITC.

The tanks are able to be filled to 80,000 barrels.

The tanks that burned contained gasoline blends, base oil, pyrolysis gasoline, naphtha and xylene. Two of the tanks were empty, officials said.

The foam that is being sprayed in the plant is effectively creating a seal covering the chemicals, Wascome said.

"We're treating it as if those could be VOCs (volatile organic compounds)," he said.

The amount of damage to the tanks is unknown. Many of them will have to be demolished, Wascome said.

Investigators with the Harris County Fire Marshal's office are on site to help determine the cause of the fire, Richardson said,

Investigation set to begin amid smoldering Deer Park chemical tanks

By Zach Despart and Samantha Ketterer Updated 8:33 am CDT, Thursday, March 21, 2019



IMAGE 1 OF 43

EPA on-site coordinator Adam Adams said the biggest concerns are "volatile organic chemicals" and that no hazardous levels have been detected during a press conference Wednesday, March 20, 2019, in Deer

... more

UPDATE: Shelter-in-place alert issued for Deer Park after high benzene levels detected

After fire crews extinguished the chemical blaze at the Intercontinental Terminals Co. in Deer Park early Wednesday, the Harris County Fire Marshal's Office prepared to send investigators to the smoldering site as state and local officials pledged to closely monitor pollution from the accident.

"We will investigate the cause and origin of this fire. We will investigate all aspects of it," County Fire Marshal Laurie Christensen said.

Recommended Video

At the site of the three-day blaze Wednesday afternoon, firefighters put out a flare-up that briefly hurled a fireball into the air. Crews will remain on the scene to ensure the fire does not re-ignite, the company said.

at the petroleum storage facility on the Houston n were able to put it out. Flames damaged 11 of two were empty, while nine contained gasoline

Christensen said several key questions remain unanswered, such as how and where the fire started, and precisely what volume of chemicals burned. Precinct 2 Commissioner Adrian Garcia said he would like to know why ITC only brought in an additional, specialized firefighting team from Baton Rouge, La. on Tuesday, the third day of the blaze.

"It's just hyper-coincidental that you bring in these resources from Louisiana, and less than one day later, you have no more fire," Garcia said.

An ITC spokeswoman said that when the fire began, the company believed local firefighters could extinguish it. When the fire continued to grow Monday, ITC decided to hire additional personnel from US Fire Pump in Baton Rouge.

Layers of flame retardant foam that cap the burn area prevented investigators from visiting the burn site Wednesday, Christensen said. In the meantime, she said the fire marshal's office has begun interviewing ITC employees and photographing the scene.

Christensen said estimating the length of the probe was impossible, but said its findings would be turned over to other county departments, including the county attorney and district attorney, for possible action.

Deer Park Mayor Jerry Mouton Jr., who said the blaze was the largest tank fire he had ever seen in the small Harris County city, said the incident was personal for many residents.

He described visiting the scene Tuesday and seeing many Deer Park residents participating as firefighters and support personnel.

"In most cases, every one of these individuals ... are people that live in our communities," Mouton said.

"They're volunteer, in most cases, firemen that were taking their turn to go in and fight for our community."

The ash plume that soared above Houston and spread to at least five adjacent counties largely had dissipated by midday Wednesday. Despite its ominous appearance, officials said the dark smoke posed no health risk to residents.

Still, they promised to continue publishing air quality readings from near the fire and throughout Harris County.

Harris County Judge Lina Hidalgo said the county pollution control department had created a “strike team” to take air quality measurements, which are published on a **new website** dedicated to the Deer Park fire.

“We brought in additional equipment for real-time processing of data,” Hidalgo said. “We brought in mobile devices... supplemented by the city of Houston’s mobile lab.”

Harris County Flood Control District Meteorologist Jeff Lindner said the clear, calm conditions during the three-day fire helped lessen the pollution risk to residents. The plume ranged from hundreds to thousands of feet in the air, far above most human activity.

With the fire out, Lindner said only residents near the ITC plant are at potential risk for exposure to pollutants from the site.

“Most of what is being emitted is very localized to that vicinity,” Lindner said. “No longer are you going to see this big, black cloud throughout the area.”

A leak at a different plant in Deer Park Wednesday afternoon offered a reminder of how frequent unplanned chemical releases happen in the Houston area. Shell ordered a shelter-in-place for employees after low levels of benzene, a carcinogen, were detected at its plant four miles east of the ITC facility.

A 2017 Houston Chronicle investigation found hazardous chemical discharges are a common occurrence in Harris County, the heart of the nation’s petrochemical industry.

Despite the outcry of concern from the public over the health impacts of the Deer Park fire and the smoke plume it produced, air quality in the Houston area was relatively normal. The Environmental Protection Agency’s daily Air Quality Index data showed good or moderate ratings for particulate matter and ozone Sunday through Tuesday.

From 2018 through Tuesday, there were 38 days with air quality ratings of unhealthy or very unhealthy for ozone or small particulate matter.

During the same time period, the greater Houston area has seen 54 days with worse ozone ratings than during the Deer Park fire. It has seen 30 days with worse small particulate matter ratings.

The EPA is conducting air and water quality tests at the fire site and in the plume, on-site coordinator Adam Adams said. The most concerning materials are particulates and "volatile organic compounds," but no hazardous levels have been found.

"Had we gotten some significant results that were hazardous, we would share that information with our stakeholders in the community as soon as possible to take action," Adams said at a news conference Wednesday morning at ITC's Pasadena plant.

The EPA is also looking into the potential impact at the Houston Ship Channel, he said. Water quality tests there have not yet been returned, determining what chemicals may have infiltrated the runoff.

Waller County Sheriff Glenn Smith said Wednesday that some residents in parts of Katy and Brookshire reported seeing some ash in the area or particles on their vehicles.

"There's been some limited observation of, obviously, the cloud and ash," said Smith. "Just small reports of that."

Greg Goedecker, Emergency Management Coordinator for Katy, said his office had not received any calls about observations of ash.

The smoke caused more health concerns than actual ailments. A top official at Kelsey-Seybold's Pasadena clinic said they had received an uptick of phone calls from people worried about the ominous-looking smoke.

Texas Children's Hospital Wednesday afternoon posted a doctor's blog entry on its website emphasizing the fire can create problems for "anyone with heart or lung disease" and "trigger asthma attacks and heart attacks" in susceptible people.

An informal survey of Houston area hospitals and clinics, including those in Pasadena and Baytown, found none reporting any visits by patients experiencing respiratory or other symptoms related to the three days of smoke.

"More than anything, people have questions," said Dr. Victor Simms, managing physician of Kelsey-Seybold's Pasadena clinic. "Will it affect my health, will it affect my baby's health, what should I do different? People don't know what to expect."

Wednesday also was the end of school disruptions in communities near the ship channel. Deer Park, Pasadena, La Porte, Sheldon, Channelview, Galena Park independent school districts, as well as San Jacinto College, announced they would reopen Thursday.

Bill to change how Arkansas farms get permits draws EPA review

Effect on federal rules, enforcement seen at issue in state-authority switch

by *Emily Walkenhorst* | Today at 4:30 a.m.

3 COMMENTS   

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C&H Hog Farms, seen from the air in May 2017, is home to thousands of hogs on Big Creek in the Buffalo River watershed. - Photo by Mitchell PE Masilun

Federal environmental regulators are reviewing an Arkansas Senate bill that would change how hog farms and other farms are permitted, concerned that it might have implications for the Clean Water Act and the state's implementation of that act.

U.S. Environmental Protection Agency Region 6 Administrator Anne Idsal wrote a letter to Arkansas Department of Environmental Quality Director Becky Keogh, dated Wednesday, stating that an initial review of the bill showed that it "merits further evaluation to determine its effect" on federal rules and enforcement.

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Senate Bill 550, sponsored by Sen. Gary Stubblefield, R-Branch, would transfer "concentrated animal feeding operation" permitting authority from the state Department of Environmental Quality to the Arkansas Natural Resources Commission. The commission would decide whether to permit farms' liquid waste management systems and would issue permits approved by local conservation districts for liquid waste disposal. The commission also could overturn the disapproval of a disposal permit or a disapproval of part of one.

Currently, the commission reviews liquid waste disposal plans, formally called "nutrient management plans," and determines whether they meet the commission's standards. The plans are then submitted as part of farms' operating permit applications to the Department of Environmental Quality.

ADVERTISING

Stubblefield and the Arkansas Farm Bureau, which initiated the bill, said Wednesday that they did not believe the review would find that the bill would violate federal laws.

"The proposed law only pertains to state regulations not federal law, therefore EPA should say this is a state matter," Stubblefield wrote in an email to the *Arkansas Democrat-Gazette*.

[RELATED: Complete Democrat-Gazette coverage of the Arkansas Legislature]

The department stood by its previously raised concerns.

"ADEQ agrees with EPA that SB550 raises concerns regarding potential impacts to state programs and ADEQ's delegated authority to protect water quality," the department said in a statement to the newspaper. "The Arkansas program to protect water quality must remain at least as stringent as federal requirements and this bill does not provide adequate assurances that it will satisfy EPA requirements."

The EPA did not immediately respond to telephone and email requests for comment Wednesday.

Critics of the bill, which include environmental groups and water utilities, have expressed concern that environmental regulations and protections would be weakened under the bill, despite assurances from supporters that all regulations would remain intact. The bill does not state that current regulations must remain in place, but supporters have argued that that is implied.

The bill is necessary, supporters say, because hog farmers must have their nutrient management plans approved by the commission and their operating permits approved by the department, meaning they must go through two agencies. One critic noted Tuesday that if the bill becomes law, the department may still be in charge of construction permits for farms that cover a certain amount of acreage.

In the one-page EPA letter, Idsal wrote that the bill, if adopted, "would receive a review from EPA to determine whether the State program possesses adequate authority to issue permits that ensure compliance with the requirements of the Clean Water Act."

Further, an initial review necessitates that the EPA consider the bill's "potential issues related to transferring authorities to another department in the State.

"Specifically, SB550 may implicate federal requirements addressing discharges from concentrated animal feeding operations (CAFOs) into waters of the US, including permitting and public notice requirements, as well as requirements for unpermitted operations."

ARTICLE CONTINUES BELOW

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Bill would transfer Arkansas hog farms' oversight

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The letter refers to the Clean Water Act's National Pollutant Discharge Elimination System program and the state's "delegated authority to protect water quality."

Currently, only one farm has a permit under the state's implementation of the National Pollutant Discharge Elimination System program. That farm, C&H Hog Farms in Newton County, is operating

under an expired permit but has applied for a state no-discharge permit and a National Pollutant Discharge Elimination System permit to continue operating.

All other hog farms are permitted under Regulation 5, which concerns no-discharge permits and implements the Arkansas Water and Air Pollution Control Act. Some dairy farms are permitted under Regulation 5. Poultry farms generally do not require permits but have their nutrient management plans reviewed and approved by conservation districts.

John Bailey, environmental and regulatory affairs manager for the Arkansas Farm Bureau, said Wednesday that the Farm Bureau would not support the bill if it also transferred National Pollutant Discharge Elimination System permits to the commission.

"I think it's clear to me in the letter that she hasn't seen Senate Bill 550," Bailey said.

The bill doesn't specifically refer to the National Pollutant Discharge Elimination System. It does mention the Arkansas Water and Air Pollution Control Act in one section that refers to noncompliant activities being subject to regulation under the law. Permitting is referred to in other sections.

The letter refers to "public notice requirements," which can be waived by the applicant under the bill.

Numerous critics of the bill have said that would keep the public in the dark about any farm applications.

Bailey said Wednesday that applicants would be able to waive only the timeliness requirement, which says that regulators must make or notice decisions within a certain time period. That's how current law is written, but it states that applicants can waive the "timeliness requirement," while the proposed bill states that applicants can waive the "notification period requirements."

Many have interpreted the new language to mean any notification period requirements can be waived, including the requirement to notify the public.

When asked why the bill changes that language if it retains the same intent, Bailey said the Farm Bureau was told by the Bureau of Legislative Research that the new phrase was safer legally.

The EPA routinely reviews state policies regarding federal programs, as well as permits and permit modifications classified as "major." The EPA must approve a state's ability to implement federal programs, such as the National Pollutant Discharge Elimination System. Otherwise, the EPA would control the program's operation in the state.

In 2013, a previous Region 6 administration temporarily revoked Arkansas' ability to issue National Pollutant Discharge Elimination System permits after a state law changed how the state calculates water flow affecting utilities and industries. Lawmakers later repealed Act 954 to regain permitting authority.

Staff members explained to commissioners during the Arkansas Natural Resources Commission's meeting Wednesday that the agency would not take a position on the bill.

"We are ready to accept that challenge if it's brought to us," commission Executive Director Bruce Holland told commissioners.

Commissioners would adopt any pertinent regulations, if the bill became law. Holland said he would recommend that commissioners adopt the regulations as they exist at the Department of Environmental Quality.

Bailey said the Farm Bureau would oppose efforts to adopt anything other than the current regulations.

Other concerns raised about the bill include a less accessible complaint process before the commission; a lack of a third-party rule-making process at the commission; the potential for weaker regulations to expose drinking water sources to excess algae-causing phosphorus; a history of pollution related to excess poultry waste in the Illinois River watershed; and fear that C&H Hog Farms could apply for another permit from the commission and remain open in spite of an order to close by the Department of Environmental Quality.

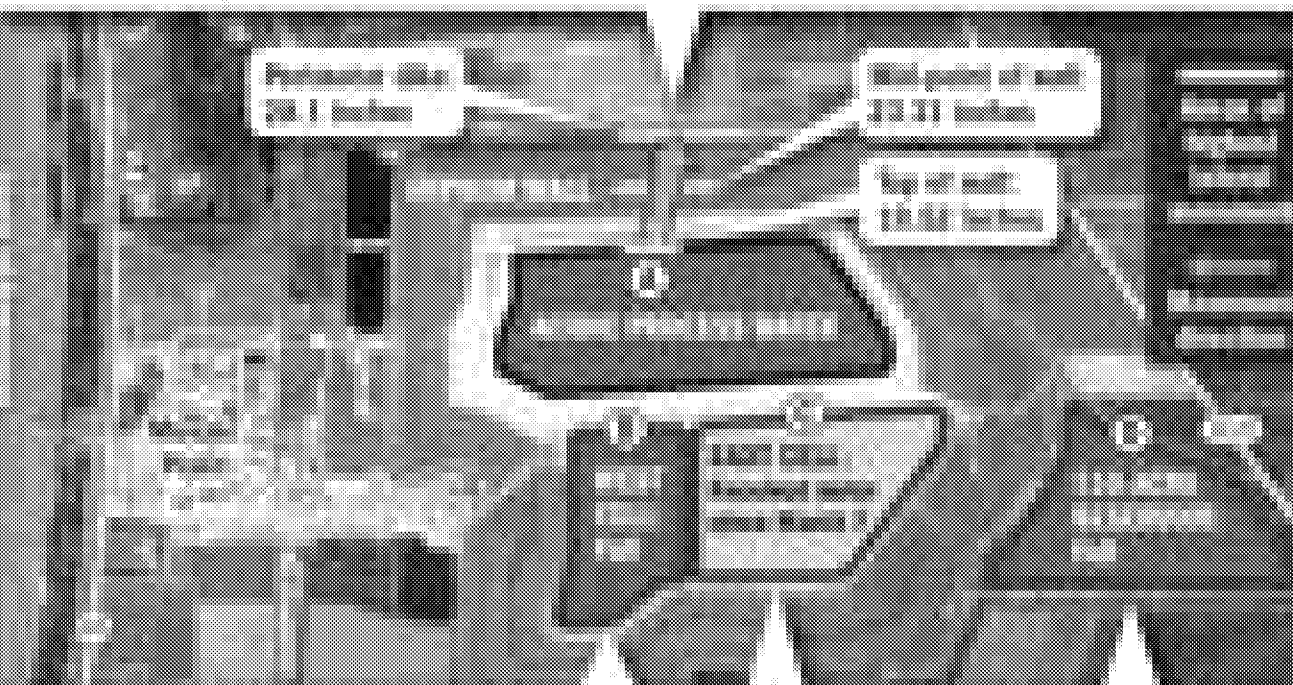
Supporters of the bill have said C&H must continue its current permit application, which they say would remain under the department's purview until litigation regarding it is resolved.

Mosaic stops pumping acid water from threatened lake in St. James, but is risk still there?

BY DAVID J. MITCHELL | DMITCHELL@THEADVOCATE.COM MAR 20, 2019 - 4:21 PM

STATUS UPDATE: MOSAIC PLANT'S GYPSUM WALL

THE PROBLEM: A raft of waste systems piled up to support a tide of waste projects under NRC has been at risk of running aground and sinking its economy. Trade and financial officers say that cost has dropped significantly in recent months, though not dramatically. About NRC's budget, getting around to the 1.4 billion dollar mark, which has the agency down to 35 to 40 employees, says it:

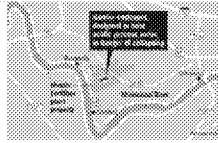


THE SOLUTION: A temporary wall was constructed to divert water at the north end of [1] to neighboring building ponds [2,3,4] to relieve stress on the compromised wall. On Friday, May 10, 1991, a concept was developed and stopped pumping into the East Cell. The East Cell is now being used for house water supply in the [1,2] area, relieving stress. Mowatt continues to look into options.

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David Mitchell

Mosaic Fertilizer recently stopped draining a giant threatened lake of acidic water atop its waste pile in St. James Parish that some feared could break open and release its hazardous contents to harm surrounding swamps.



Mosaic halts pumping aimed at stabilizing troubled acid lake while new storage reservoir readied

The company says it's confident water levels in the lake have now dropped to a depth that make the remaining water very unlikely to escape the troubled lake even if a crack opens up in the mountainous gypsum pile.

But others aren't ready to give the "all clear" signal just yet.

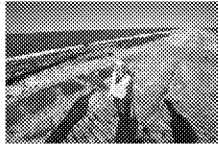
State regulators said they'd prefer that Mosaic keep pumping down the lake, but don't have the authority to require it to do so because the U.S. Environmental Protection Agency is in charge.

Some experts contacted by The Advocate have also questioned the underlying analyses driving the decisions of the company and regulators because so much remains unknown.

Rune Storesund, a civil and geotechnical engineer at the University of California-Berkeley, said that "given the uncertainties associated with this situation, the prudent approach would be to lower the water levels so that" the safety level is, at a minimum, nearly double what the company says its current efforts have attained.

With a few brief stoppages since early to mid-January, the company had been pumping down the water in the 140-acre lake through large siphons into neighboring lakes on the 960-acre waste pile at the company's "Uncle Sam" complex outside Convent.

The efforts were part of an emergency bid to remove weight from the lake's northern containment wall and halt unexpected slippage of the 200-foot-high slope of waste gypsum that helps contain the lake.

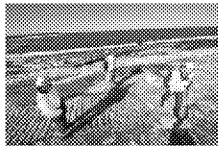


Potential disaster at huge St. James waste pile has crews racing to prevent massive wall collapse

With the pumping and the construction of an earthen berm designed to brake the slipping wall now finished, Mosaic says it's now preparing for the next phase of its response. This involves building a kind of levee through the length of the rectangular lake to separate the remaining water from the north wall, further reducing pressure on the slipping slope of gypsum.

The gypsum is a largely unusable waste byproduct from Mosaic's production of phosphoric acid, which is used to make fertilizer for corn and other crops. The lake, which rests inside of bowl carved from the top of the massive mound of waste gypsum, contains trace amounts of heavy metals and radioactive elements.

What is gypsum? What you should know about this giant wall, its possible collapse in St. James



Records show Mosaic has been presenting its plans to regulators since the emergency started.

It's not clear, though, if any state or federal regulatory agency monitoring the emergency response specifically authorized Mosaic to stop pumping out the lake.

"We would not do it if we didn't have permission to do it," Callie Neslund, Mosaic spokeswoman, said Friday evening, shortly before the halt occurred.

But Greg Langley, a spokesman for the state Department of Environmental Quality, said the state agency would like the pumping to continue, at least while the slipping gypsum wall is still moving. It's been moving about 0.3 to 0.5 inches per day, on average.

He said the EPA is the lead agency responding to the two-month-long emergency.

Mosaic remains under a consent order reached with the EPA and the U.S. Department of Justice in 2015 over how the company previously handled the acidic water, known as process water, at plants and in Louisiana and Florida and also prepared for long-term closure of its waste piles. Mosaic agreed to pay a \$2 billion settlement of longstanding alleged violations.

An EPA spokeswoman said Tuesday that Mosaic didn't need the federal agency's blessing to halt pumping into the siphons draining the lake.

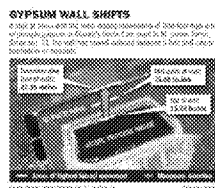
"Mosaic is not required to get EPA authorization to stop siphoning," said Jennah Durant, EPA spokeswoman.

According to Mosaic's reports to regulators, the company has lowered the lake's water level by 13.4 feet since it started pumping in early January and reached a key threshold water level for safety, at slightly less than 180 feet above sea level.

At that height, the acid water — about 400 million gallons in all — remains 30 feet deep at its deepest point in the lake. That is believed to be below the depth that any potential crack could slice open the gypsum pile's wall.

Company officials and regulators can't say yet when the movement will halt, but Mosaic says daily monitoring data show the wall's movement has slowed.

EPA agrees with this assessment and, in late February, declared in a letter that the risk of a catastrophic failure of the gypsum wall and a release into the swamps is negligible.



Risk falling for potential environmental disaster from slipping waste pile, Mosaic officials say

Storesund, the executive director of the U.C. Berkeley's Center for Catastrophic Risk

Management who is also a licensed civil engineer in Louisiana, has questioned this assessment.

Based on the publicly available reports on the Mosaic gypsum pile, Storesund said, it does not appear Mosaic or regulators have done the kind of advanced, and expensive, analysis to model with greater precision what is happening with the gypsum pile.

He called the EPA's declaration that the risk of catastrophic collapse is negligible "a very dangerous line of belief" because the agency can't yet answer threshold questions about what is

Secret weapon to get heavy metals from Tar Creek: Compost helps treat contaminated water for past decade

By [Kelly Bostian](#) [Tulsa World](#) 8 hrs ago



An aerial view of the Mayer Ranch shows a passive treatment system that uses mushroom compost to sequester and filter out heavy metals from polluted water at the Tar Creek Superfund Site. ROBERT NAIRN/Courtesy

Robert Nairn

Something about the compost at J-M Farms in Miami not only makes conditions right for growing mushrooms, but the fine fungal medium can also do some heavy lifting.

For about 10 years, layers of the compost have been used to pull heavy metals — namely cadmium, lead and zinc — from contaminated water percolating up out of old mine shafts that dot the Tar Creek Superfund Site in Ottawa County.

In what is called a “passive treatment system,” some of the water from one of the most highly contaminated mine sites in the country is slowly being cleaned — and with minimal daily effort.

The system is one of several initiatives listed in the Tar Creek Superfund Site Strategic Plan issued last week by the Environmental Protection Agency, Quapaw Tribe and Oklahoma Department of Environmental Quality.

Together with students from the University of Oklahoma, professor Bob Nairn of the OU Center for Restoration of Ecosystems and Watersheds has for more than 10 years monitored the water draining from a series of ponds, where contaminated mine water is turned into a flow suitable for aquatic wildlife thanks in large part to the right kind of dirt and some natural chemistry.

“The ponds at the Mayer Ranch have been treating about 400,000 gallons a day for over a decade now,” Nairn said. “We created a second system two years ago near Commerce that treats about 150,000 a day, so we’re treating now about half a million gallons of water a day.”

Nairn and his students have maintained the site, with visits once a month, including a couple of annual visits for larger jobs such as clearing outlets plugged by beavers or, as happened last year for the first time, to stir the mulch.

The Mayer Ranch site, located between Miami and Commerce, has a system of 10 ponds that cover about 3.5 acres. The second site, closer to Commerce, has four ponds on 2.5 acres, he said.

The sites are within the old Picher Mining Field, a part of the Tri-State Mining District where, from the 1890s into the 1960s, companies mined millions of tons of lead and zinc ores. During the mining, large-capacity dewatering operations pumped thousands of gallons of water to keep the mines clear; after mining ceased, groundwater accumulated in the mines, where billions of gallons of contaminated water exist in underground voids.

Artesian groundwater continued to percolate into the mines; and by 1979, metal-rich waters were documented discharging into Tar Creek and its tributaries with high levels of zinc, lead, iron, nickel and cadmium — one of many factors left over from mining activities that make the Superfund Site one of the most highly contaminated in the country.

Nairn began sampling water at the Mayer Ranch in 1998, 10 years before construction of the first treatment system, which discharges into one of many **unnamed** tributaries that flow from an old mine site and into Tar Creek.

“There will be bad water coming up out of the ground there for a long time,” he said.

The magic of the treatment ponds lies with chemistry that already exists in the water but which needs a little help to clear the metals. That comes with the ponds, some of which are called “bioreactors,” he said.

Essentially, bad water flows into the ponds at the top; to exit, it must drop down through about a 3-foot thick layer of compost to reach perforated pipe that leads to the next set of ponds, Nairn said.

Microbes in the compost layers do the heavy lifting of removing the toxic metals, he said.

SKIP AD



“Microbes need three things to function,” he said. “They need a situation where there is no oxygen, and that’s in the compost layer under about 2 or 3 feet of water; sulfate, which is already in the mine water; and they need a source of carbon.”

The magic happens when microbes interact with the sulfates and turn them into sulfides, which bind with the heavy metals and then settle out in the compost layer, he said. “The metals are elements, so they can’t be broken down,” he said. “But we are essentially sequestering them.”

Each pond has a different function, either in removing iron or removing lead and zinc. One near the end of the process is set up with a wind-operated power station to run bubblers that re-oxygenate the water, he said.

OU researchers tested different compost materials and found the J-M compost satisfied all the right conditions.

“We put a lot of work in with it in the laboratory,” he said. “We looked at different composts, looked at different manures.”

At J-M Farms, the compost begins as piles of chicken litter with wheat straw, cottonseed meal, gypsum and some urea, according to Scott Engelbrecht, growing operations manager. The materials are composted, not unlike what is done in a backyard compost pile, until it

forms the soil in which the mushrooms are grown. The compost in the ponds, still the original stock laid down 10 years ago, is compost that already had been used to grow mushrooms.

It was a cruel irony last year when leakage from leach pits used in the composting process at the plant got into Tar Creek just downstream of the Mayer Ranch and killed thousands of fish. The spill was cleaned up, however, and the creek quickly recovered.

On a scale from basic manure and hay, which would be far too rich, to plain wood chips, which would not have enough substance, the mushroom compost “just had the right stuff,” Nairn said.

“It contains a lot of biodegradable carbon, which is important. It makes the microbes happy,” he said.

Nairn said the expected life of the ponds is about 20 years. Researchers did notice a decline in flow after 8.5 years at the Mayer Ranch, but that was remedied when the compost got a stir with a track hoe and the flow returned, he said.

“Basically, it was becoming compacted, and the water just wasn’t flowing through as well,” he said.

It is also unknown if the compost will need to be removed with fresh compost brought in after 20 years, if it might continue to function, or if the compost will need to be removed and taken to a storage facility to contain the heavy metals, he said. Those answers will come with the ongoing research.

“That’s something we’re monitoring to learn before we make the next big move,” he said.

More treatment pond systems could be used on other tributaries to improve the concentrations of heavy metals flowing into Tar Creek, he said.

“One of the most exciting things is we’ve documented a tripling of the number of species of fish in the tributary from about a half dozen up to 18, and there are massive numbers more of the fish,” he said. “Beavers and muskrats have moved back into the stream, as well, although they’ve caused some minor problems for us because they like to stop things that flow.”

People are dying from dirty water, not climate — Wheeler

Ariel Wittenberg, E&E News reporter
Published: Wednesday, March 20, 2019



EPA Administrator Andrew Wheeler appeared this morning in a CBS interview with chief Washington correspondent Major Garrett. CBS News

EPA Administrator Andrew Wheeler believes water scarcity — not climate change — is the biggest global environmental threat.

He made that point twice today, first in an interview with CBS News that aired this morning and later during remarks at a Wilson Center event.

Climate change, he told CBS's Major Garrett, "is an important issue we have to address and we are addressing."

"But most of the threats from climate change are 50 to 75 years out," he continued. "What we need to do is make sure the people who are dying today from lack of drinking water in Third World countries, that that problem is addressed."

When asked by Garrett whether he would say that "people are dying now from bad water, they are not dying now because of climate change," Wheeler responded, "Yes, I would say that."

The EPA administrator's comments were met with swift backlash on social media, where Twitter users were quick to point out that climate change helped fuel a number of deadly natural disasters that hit the United States in recent years, including hurricanes and wildfires (*Climatewire*, Feb. 7).

California Department of Forestry and Fire Protection Deputy Chief Scott McLean, for example, has called climate change a "predominant factor" of the Camp Fire blaze that killed 42 people in Butte County last year (*Climatewire*, Nov. 13).

Wheeler doubled down on those comments in a speech given at the Wilson Center in Washington, D.C., just hours after his CBS News interview aired.

"As administrator of the U.S. EPA, I believe that water issues are the largest and most immediate environmental and public health issues affecting the world right now," he said.

"There will be some who say this all stems from climate change, but the truth is that water challenges have been around for generations and are causing immediate deaths," he continued. "My frustration with the current dialogue around environmental issues is that water issues often take a back seat. It's time to change that."

Wheeler noted that parts of the American West suffer from water shortages, as do other arid climates worldwide, but he did not address how climate change is expected to exacerbate those shortages.

Climate change can lead to prolonged, more severe droughts. Warming temperatures and rising seas are also expected to affect water quality. Increasingly common severe storms can flood public water supplies and contaminate them. Warming temperatures can also contribute to algal blooms that pollute water supplies.

Wheeler instead described a lack of infrastructure as the major contributor to water scarcity.

"As populations and industries expand, this problem is reaching more communities," he said. "Droughts also pose a serious threat."

In his remarks at the Wilson Center, and in his CBS News interview, Wheeler argued that the United Nations and World Bank should take a page from EPA's handbook and set up low-interest loan programs similar to the Water Infrastructure Finance Innovation Act program.

"WIFIA could be the ideal model for other nations or international institutions, like the U.N. or the World Bank, to use to advance major water projects," he said.

The Trump administration's fiscal 2020 budget proposal released last week proposes cutting funding to that program, requesting \$25 million for a program that received \$68 million in fiscal 2019.

Wheeler did not address those proposed cuts specifically. But he did defend the president's budget in his CBS interview after Garrett asked whether EPA could adequately protect the environment with the administration's proposal to cut the agency's budget by 30 percent.

"We are all trying to tighten our belts in the federal government, and that's important for the federal government, it's important for the American economy, but we can protect the environment at the same time," he said.

Wheeler also attacked the Green New Deal for not placing enough emphasis on drinking water issues. Wheeler told Garrett the House resolution is an "aspirational program" but shifting to 100 percent renewable energy could put drinking water at risk.

"Nowhere in the document does it value having a reliable electric grid," he told Garrett.

"When we go into a community that has been hit by a hurricane or some other natural disaster, the first thing we do is try to make sure the electric grid is back up and running in order to provide the drinking water for those communities," Wheeler said. "The Green New Deal does not value that at all."

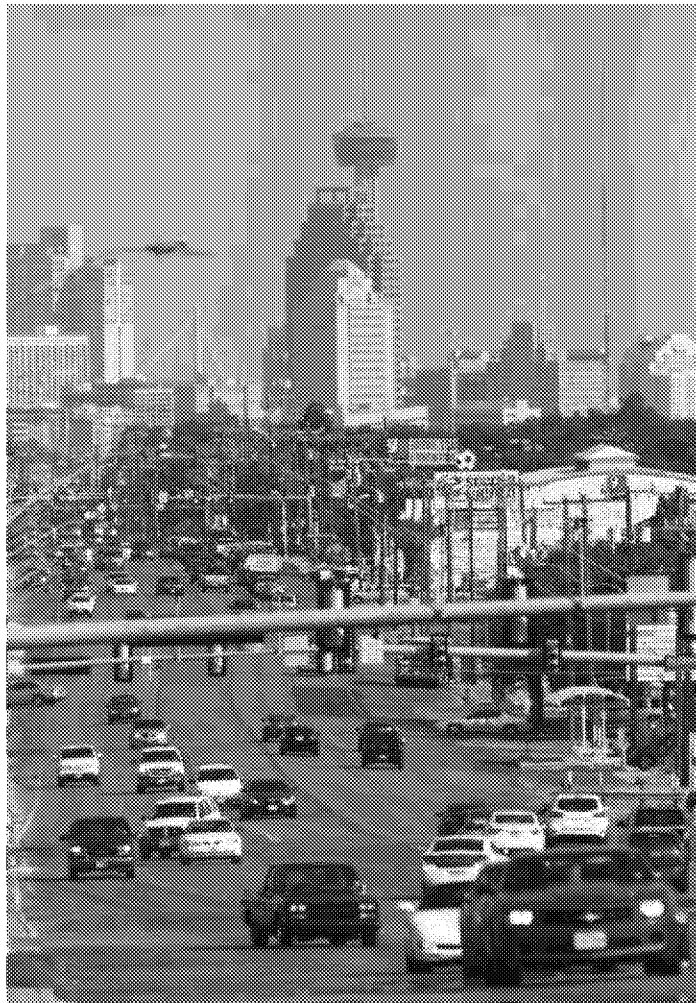
"We have to make sure we have a reliable electric grid — also affordable for people — to make sure that we have the electricity on the public health side," he concluded. "You have to have a reliable electric grid to make sure we are going to have drinking water for the American public."

The Green New Deal, [H.Res. 109](#), does note that achieving 100 percent renewable energy will require "building resiliency against climate change-related disasters, such as extreme weather," and "repairing and upgrading the infrastructure in the United States, including ... by guaranteeing universal access to clean water."

San Antonio devises ways to cut ozone, asks for community's help

Josh Baugh

March 21, 2019 | Updated: March 21, 2019 8 a.m.



● ●

A view of downtown from Fredericksburg Road on Aug. 12, 2016. Researchers have found that an estimated 24 deaths annually could be avoided if the area's ozone level drops to 70 parts per billion or below.

Photo: Kin Man Hui /Staff photographer

More telecommuting. Flexible work schedules. Retiring older, diesel-burning school buses. Using more electric vehicles.

Those are among the proposed changes to cut San Antonio's ozone levels. City officials believe voluntary efforts and cash from a Volkswagen air-pollution legal settlement could help lower ozone to meet air-quality standards set by the Environmental Protection Agency.

Colleen Bridger, an interim assistant city manager, laid out a plan to the City Council on Wednesday that she and other city executives are confident will meet the EPA threshold.

Ozone — a combination of nitrogen oxides, volatile organic compounds, plus heat and sunlight — peaks in the summer. It is especially harmful to people with lung diseases, such as asthma, emphysema and chronic bronchitis, as well as children and the elderly.

Among the list of actions in the city's plan, which is set for council adoption in May, are changes that would affect some of the city's workforce.

Bridger said City Manager Erik Walsh could authorize more telecommuting for employees whose work doesn't require them to be in city offices, and flexible work schedules, where some employees might work 40 hours in four days instead of five, reducing commuting.

The plan also would call on the council to revisit the city's anti-idling ordinance, which limits how long the largest vehicles in San Antonio — delivery trucks and larger — can run their engines, perhaps by reducing some of the dozen or so exemptions to the local law.

Bridger said the city plans to work with local businesses to reduce their contributions to ozone levels, from telecommuting to volunteering not to test diesel generators on high-ozone days. She told the council there are plans to expand a ozone-attainment business group that would identify how companies could opt to change operations that now elevate ozone levels and educate their employees on how they can could help.

With tens of millions of dollars expected from the Volkswagen settlement, the city would switch some of its fleet to electric vehicles and work with school districts to replace their worst-polluting buses.

The plan also calls for several types of communications directed at residents and businesses about high-ozone days during the summer, including public service announcements, grassroots marketing and messages from social-media influencers.

On ExpressNews.com: Ozone expert studies how to improve San Antonio air quality

Bridger, who was director of the Metropolitan Health Department, said the plan would set the city on a path to reduce ozone levels to 70 parts per billion by Dec. 31, 2020. It builds on significant successes over the past decade in reducing ozone levels from a high of 91 ppb in 2004. In 2015, the EPA reduced the acceptable level of ozone and then declared last year that San Antonio had been categorized as in "marginal non-attainment," the least-severe ranking.

But if the levels here don't continue to decrease and hit 70 by the end of next year, San Antonio will be hit with a "moderate non-attainment" designation, and with that comes more significant and costly federal regulations.

San Antonio has two summer seasons to reduce levels before the EPA reassesses its designation.

According to Bridger, reducing ozone is an issue for both public health and the economy.

"Ozone is bad for your lungs. And people who are at risk for problems, like asthma ... and other breathing problems really suffer when ozone levels are high," she said, noting that researchers have found that an estimated 24 deaths annually could be avoided if the area's ozone level drops to 70 ppb or below.

"We also care about it because of potential economic costs," she said. "We know that if we fail to get to 70, there will be federal regulations that will be imposed upon the city. And these federal regulations could cause a loss of gross regional product, could delay road construction and could deter manufacturing expansion."

According to a 2017 study commissioned by the Alamo Area Council of Governments, marginal non-attainment could cost the local economy between \$3.2 billion and \$27.5 billion over 27 years while a moderate non-attainment designation could cost \$7.1 billion to \$36.2 billion over 30 years.

"That said, there are lots of big cities here in Texas that are currently in moderate non-attainment who are growing just fine," Bridger said. "And so after an adjustment period, you figure out how to deal with it. But we don't even want to deal with it."

On ExpressNews.com: Excessive ozone levels trigger more oversight, could hurt San Antonio's economy

In an interview, Bridger said the use of more fuel-efficient vehicles has reduced ozone.

"The biggest thing is the cars," she said. "Environmental standards for vehicles have improved drastically over the past decade."

Part of the city's plan to keep reducing ozone, she told the council, is a persistent lobbying effort by officials, including Mayor Ron Nirenberg, directed at the federal government not to roll back environmental standards for polluters, whether it's the industrial sector or vehicle emission standards.

Councilman Clayton Perry seemed to balk at the plan and worried about cost. Bridger assured him that it wouldn't be much, about \$400,000, she said, and the city's annual budget already includes funding for fleet

replacement. Using the Volkswagen money, which covers 80 percent of cost, would actually reduce the city's costs as it buys new, cleaner vehicles.

Councilman Manny Pelaez quickly redirected the council's discussion, noting that the cost of doing nothing is far more expensive.

"The federal government is telling us if we don't hit 70, they're going to kick us in the teeth," he said.

Mario Bravo, the Texas outreach specialist for the Environmental Defense Fund, said after the meeting that opponents focus on the cost — in this case, less than a half-million dollars — rather than the losses, which could top \$36.2 billion over three decades.

\$100 million cyanide plant kept alive by Jefferson Parish Council

Updated 8:34 AM;

Posted Mar 20, 12:04 PM



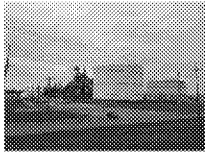
The Fortier manufacturing complex, which includes a Cornerstone Chemical Co. plant, at 10800 River Road in Waggaman, was photographed Feb. 8, 2019.

Cornerstone Chemical Co.'s plans to build a \$100 million cyanide plant at Waggaman were kept alive Wednesday (March 20) when the Jefferson Parish Council put off voting to revoke the permit it granted more than a year ago. The council postponed its decision after a company executive repeatedly stressed the expansion would result in “net zero increase” in cyanide production.

For now, a community meeting is being planned for Cornerstone and its opponents to exchange views. The council could revisit the issue on April 3.

Cornerstone and its predecessors have been generating hydrogen cyanide at the 800-acre Fortier manufacturing complex, directly across the Mississippi River from Louis Armstrong New Orleans International Airport, since 1953. Cyanide is a byproduct of making acrylonitrile, which is used

to manufacture synthetic fibers and plastics. Cornerstone delivers cyanide to another Fortier tenant, Evonik Industries, which uses it to make acrylic monomers for production of plastics, paints and coatings and for the oil and gas industry.



Cyanide plant for West Bank alarms residents of east bank

In 2017, Cornerstone began moving to spend \$20 million upgrading its current assets to make them more efficient and increase acrylonitrile production. The company said the net result would be less cyanide. But because it still has contractual obligations to deliver cyanide to its partner, it proposed building a \$100 million cyanide plant.

“There’s a net zero increase of production of HCN on site,” chief operating officer Tom Yura said.

The company says it operates safely. With no objection from Parish President Mike Yenni’s administration and no public opposition, the Parish Council approved the application in a routine vote in January 2018.

Around that time, however residents of Harahan and River Ridge began escalating complaints about mysterious and debilitating odors in their neighborhoods. The stench has been partly blamed on the parish landfill at Waggaman, where residents have long complained about the dump.

'Thick invisible fog' over Harahan, River Ridge raises new questions about Jefferson landfill

While investigating the landfill, they discovered Cornerstone's cyanide expansion plan. They launched a campaign for the Louisiana Department of Environmental Quality to deny the company an air permit and for the Parish Council to rescind its approval.

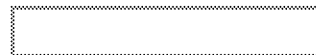
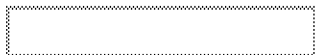
Councilman Mark Spears Jr., whose district includes the site, led the drive to rescind the permit, citing election-year complaints from the public. But after listening to more than an hour of comments from residents, Cornerstone and his colleagues, Spears on Wednesday proposed waiting. With no objection, the council agreed.

Spears said Cornerstone is obliged to explain to the community that its modernized plant will be safer and won't produce more cyanide. He said he will set up a community meeting for Cornerstone and residents to meet.

Texas Senate approves \$1.8 billion package to assist with Harvey recovery, guard against future storms

The upper chamber cast three, 31-0 votes on Wednesday to approve disaster recovery and preparedness legislation that Lt. Gov. Dan Patrick named a top priority.

BY KIAH COLLIER MARCH 20, 2019 18 HOURS AGO



The neighborhood along Buffalo Bayou just below Barker Reservoir dam in Houston on Tuesday, Sept. 19, 2017. Michael Stravato for The Texas Tribune

Texas Legislature 2019

The 86th Legislature runs from Jan. 8 to May 27. From the state budget to health care to education policy — and the politics behind it all — we focus on what Texans need to know about the biennial legislative session. **MORE IN THIS SERIES**

The Texas Senate on Wednesday unanimously approved a bipartisan package of bills that would pull \$1.8 billion from the state's rainy day fund to aid in Hurricane Harvey recovery and plan for and protect against future storms. The legislation was named a top priority by Lt. Gov. Dan Patrick.

Here's a rundown of the bills:

- **Senate Bill 6** would require the Texas Division of Emergency Management to create guides for local officials on both disaster response and recovery and how to manage debris removal. It also would require the division to establish a work group to study how best to train and credential local emergency management directors.
- **Senate Bill 7** would revamp a fund already administered by the Texas Water Development Board that helps pay for flood control projects. The new Texas Infrastructure Resilience Fund, or TIRF, would contain four different pots of money totaling more than \$1.6 billion. One account would be to help Harvey-impacted communities with the so-called "matching funds" they need to secure billions more in federal recovery dollars. Another would help finance projects included in a statewide flood plan.
- **Senate Bill 8** would create an official statewide flood plan that would look much like the water development board's State Water Plan, which is published every five years. The plan — consisting of a list of flood control projects — also would be compiled by regions across the state that would manage different watersheds. The bill also calls for the creation of a 10-year plan to repair and maintain unsafe dams in the state. It is expected to cost nearly \$87 million over the next two years.

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The package would be funded by money from the state's emergency savings account. The Senate has proposed spending \$3 billion total out of the rainy day fund for Harvey-related expenses, including assistance to impacted school districts.

During public hearings on the legislation, local officials and community and flood planning groups expressed overwhelming support. Environmental groups, meanwhile, said they did not oppose the bills but hoped that the funding

provided would go toward not just large-scale flood control projects but also green infrastructure initiatives aimed at preserving open space.

Sen. Charles Perry, a Lubbock Republican who is the primary author of SB 8 and heads the committee that took public testimony on all three bills, appeared amenable to their request.

"I would hope it's a strategy that's on the table," he said.

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On Wednesday, the bills generated little debate and no opposition. Instead, both Democrats and Republicans rose to deliver glowing accolades.

Senators made some tweaks to the legislation before votes were cast. Citing cost concerns, Sen. Lois Kolkhorst, a Brenham Republican who is the primary author of SB 6, asked senators to approved the removal of language from her bill that would have created a disaster recovery task force. A spokesman for Kolkhorst said the bill now contains no fiscal note, meaning it wouldn't require any additional state funding if passed.

And Sen. Eddie Lucio, a Brownsville Democrat, successfully offered an amendment to SB 6 that would require the state to study the creation of a single intake application for federal and state assistance.

Patrick said the unanimous passage of each bill was "one of the greatest achievements that I've seen since I've been in the Senate."

The three bills will now go to the Texas House for consideration.

US judge blocks oil, gas drilling over climate change

By Matthew Brown and Mead Gruver / Associated Press

Published: Wednesday, March 20th, 2019 at 11:52am

Updated: Wednesday, March 20th, 2019 at 4:23pm



FILE- In this March 5, 2013, file photo, Trinidad Drilling rigs are seen off of Way Highway 59 outside of Douglas, Wyo. A judge has blocked oil and gas drilling on almost 500 square miles in Wyoming and says the government must consider cumulative climate change impacts of leasing public lands across the U.S. for energy development. The order marks the latest in a string of court rulings over the past decade faulting the government's consideration of emissions when issuing energy leases. (Leah Millis/The Casper Star-Tribune via AP, File)

BILLINGS, Mont. — A judge blocked oil and gas drilling across almost 500 square miles (1,295 sq. kilometers) in Wyoming and said the U.S. government must consider climate change impacts more broadly as it leases huge swaths of public land for energy exploration.

The order marks the latest in a string of court rulings over the past decade — including one last month in Montana — that have faulted the U.S. for inadequate consideration of greenhouse gas emissions when approving oil, gas and coal projects on federal land.

U.S. District Judge Rudolph Contreras in Washington appeared to go a step further than other judges in his order issued late Tuesday.

Previous rulings focused on individual lease sales or permits. But Contreras said that when the U.S. Bureau of Land Management auctions public lands for oil and gas leasing, officials must consider emissions from past, present and foreseeable future oil and gas leases nationwide.

“Given the national, cumulative nature of climate change, considering each individual drilling project in a vacuum deprives the agency and the public of the context necessary to evaluate oil and gas drilling on federal land,” Contreras wrote.

The ruling coincides with an aggressive push by President Donald Trump's administration to open more public lands to energy development.

It came in a lawsuit that challenged leases issued in Wyoming, Utah and Colorado in 2015 and 2016, during President Barack Obama's administration.

Only the leases in Wyoming were immediately addressed in Contreras' ruling. It blocks federal officials from issuing drilling permits until they conduct a new environmental review looking more closely at greenhouse gas emissions.

The case was brought by two advocacy groups, WildEarth Guardians and Physicians for Social Responsibility.

WildEarth Guardians climate program director Jeremy Nichols predicted the ruling would have much bigger implications than a halt to drilling in some areas of Wyoming, assuming the government does what Contreras has asked.

"This is the Holy Grail ruling we've been after, especially with oil and gas," Nichols said. "It calls into question the legality of oil and gas leasing that's happening everywhere."

Wyoming Gov. Mark Gordon criticized the ruling, saying carbon emissions shouldn't be reduced at the expense of workers who provide reliable and affordable energy.

"Bringing our country to its knees is not the way to thwart climate change. We need solutions not grandstanding," said Gordon, a Republican.

Federal officials were reviewing the court ruling to determine its implications and had no further comment, BLM spokeswoman Kristen Lenhardt said.

Emissions from extracting and burning fossil fuels from federal land generates the equivalent of 1.4 billion tons (1.3 billion metric tons) annually of the greenhouse gas carbon dioxide, according to a November report from the U.S. Geological Survey. That's equivalent to almost one-quarter of total U.S. carbon dioxide emissions.

Companies paid more than \$6.5 billion to produce oil, gas and coal from federal lands and waters in 2017, according to the most recent government figures. The money is split between the federal government and states where the extraction occurs.

Kathleen Sgamma with the Western Energy Alliance, which lobbies on behalf of the oil industry, said the BLM already was analyzing emissions appropriately under rules set up during the Obama administration.

Following previous court rulings over climate change, the BLM has gone back and reconsidered the effects of fossil fuels and then re-affirmed its approvals of projects.

That could happen again in this case, with further studies done before drilling is allowed to proceed, said Harry Weiss, an environmental lawyer based in Philadelphia whose clients have included oil and gas companies.

"This decision should not be interpreted as a ban on leasing activities," Weiss said. "The court is not ruling on whether it's thumbs up or thumbs down. The court is simply grading how the administration did analyzing the issues."

Gruver reported from Cheyenne, Wyoming.

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Communities urged to boost immunity to 'shock events'

Daniel Cusick, E&E News reporter
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Hurricane Katrina exposed challenges in making communities resilient to natural disasters. New Orleans is seen here in the days after the storm. National Climate Assessment/NOAA

Local governments can better prepare for disasters by investing in resilience programs and tending to societal problems that are often made worse during and after catastrophes, a new scientific analysis has found.

"The frequency and severity of disasters due to hurricanes, floods, tornadoes, and earthquakes in the first decades of the 21st century have resulted in unprecedented challenges for communities in the United States," the National Academies of Sciences, Engineering and Medicine wrote in a 117-page report released yesterday.

As such, cities and counties should step up disaster preparation and resilience through comprehensive, data-based planning and policy initiatives. That includes new methods for measuring resilience against unique risks, such as droughts in the Midwest or hurricanes on the coasts.

The report is based on evaluations of 13 U.S. cities that experienced disasters over the last two decades.

They include New Orleans (Hurricane Katrina in 2005); Gulfport and Waveland, Miss. (Katrina and the Deepwater Horizon oil spill in 2010); New York City (Superstorm Sandy in 2012); Baton Rouge, La. (pluvial flooding in 2016); Minot, N.D. (riverine flooding in 2011); Rapid City, S.D. (severe winter storms in both 2013 and 2014); and the Pine Ridge Indian Reservation in South Dakota (windstorm, tornadoes and winter storms in 2015-2017).

Retired Coast Guard Adm. Thad Allen, the NAS committee's co-chairman who is widely known for leading the federal response to Katrina and the BP PLC Deepwater Horizon oil spill, said resilience is key to mitigating some of the long-term damage caused by what he terms "shock events."

"I consider resilience to be the societal equivalent of the human immune system," Allen said. "When something happens and there's shock to the system, the community is better prepared to respond and can usually recover much faster."

The panel's recommendations could get their first test along the Gulf Coast, where extreme weather and man-made disasters have left lasting scars on communities from Florida to Texas.

The region, which has suffered multiple megadisasters since 2005, is well-positioned to undertake a coordinated, multistate resilience effort, the panel said. It could be overseen by the NAS's Gulf Research Program, which operates on an independent 25-year, \$500 million endowment.

Storms like Katrina and 2017's trio of devastating U.S. hurricanes — Harvey, Irma and Maria — caused billions of dollars in damage throughout the region. They displaced hundreds of thousands of people and exacerbated what Allen called "chronic community stressors," such as poverty, education and health disparities, and even climate change.

"Measuring resilience can help community efforts in a range of ways," the NAS panel found, including by prioritizing needs, better allocating resources among resilience efforts and helping determine whether communities are making progress toward resilience goals.

The panel made four broad recommendations to improve resilience nationally:

- Communities should bring in diverse interests at the outset of resilience planning. This helps generate buy-in for the programs and identify community members who can lead, put in place or train others on resilience strategies.
- Communities should design goals and measure resilience across multiple dimensions of community life, including natural, economic, physical, social, human and political factors.
- Communities should make sure that data on resilience against hazards are reliable and can support policy and budgetary decisions.
- Communities should use valuation models and other financial tools like resilience and catastrophe bonds to encourage the measurement of resilience activities and goals. Such measurements can help build support for resilience efforts among financial and insurance markets, the report says.

Regarding the Gulf region, the panel said it is "a landscape ripe for advancing community resilience."

"Its mix of issues related to economy, ecology and a diverse and vibrant culture combined with its exposure to the effects of social inequality and vulnerability, low health outcomes of its residents, an extractive economy, and natural hazards underscores the urgency of action."

Gulf lease bids hit \$244 million, 37 percent higher than August sale; double a year ago

Advocate staff report MAR 20, 2019 - 4:58 PM



Oil and gas companies made \$244.3 million in high bids for federal leases in the Gulf of Mexico during a sale Wednesday, about 37 percent above what the last gulf-wide sale generated in August and nearly twice as much as a sale a year ago.

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Oil and gas companies made \$244.3 million in high bids for federal leases in the Gulf of Mexico during a sale Wednesday.

That's about 37 percent above what the last gulf-wide sale in August generated and nearly double the \$124 million that was raised at a lease sale in March 2018.

The Bureau of Ocean Energy Management said 30 companies bid on 227 tracts Wednesday, covering 1.26 million acres in the gulf. More than 78 million acres were available for lease, with 1.6 percent attracting bids. The three previous Gulf-wide sales have brought bids on 1 percent or less of the available acreage.

"Today's lease sale shows strong bidding by established companies, which indicates that the Gulf of Mexico will continue to be a leading energy source for our nation long into the future," said Joe Balash, assistant secretary for the Department of the Interior's land and minerals management.

Most of the bids were for leases in waters more than a mile deep, with 95 coming in.

The value of the high bids was roughly split between water between half a mile and a mile deep and waters that are more than a mile deep. There were \$115.1 million in high bids for blocks more than a mile deep and \$113.8 million for high bids in waters between half a mile and a mile deep.

The highest single bids were Equinor Gulf of Mexico LLC's \$24.5 million and Hess Corp's \$10.1 million. Shell Offshore Inc. had 87 high bids for a total \$84.8 million, while Equinor had the second-largest total of high bids, at \$29.2 million.

The Louisiana Mid-Continent Oil & Gas Association, which represents all sectors of the oil and gas industry, said it was "confidently optimistic" on the future of the Gulf of Mexico after the lease sale.

This was the fourth offshore sale held under the 2017-2022 National Outer Continental Shelf Oil and Gas Leasing Program. Under this program, two gulf lease sales will be held each year and include all available blocks in the combined western, central, and eastern Gulf of Mexico planning areas.

The price of oil has been increasing sharply since Christmas Eve, when it hit a low of just over \$42 per barrel. That followed a 44 percent plunge since Oct. 3, when it hit a high of just over \$76 per barrel.

Benchmark U.S. crude oil briefly crossed the \$60 a barrel mark Wednesday, before settling with a gain of 1.4 percent at \$59.83 a barrel. The rise came after the U.S. government reported that supplies of oil fell 9.6 percent last week and news that the OPEC cartel plans on maintaining deep production cuts.

Brent crude, an international benchmark, gained 1.3 percent to close at \$68.50 a barrel.

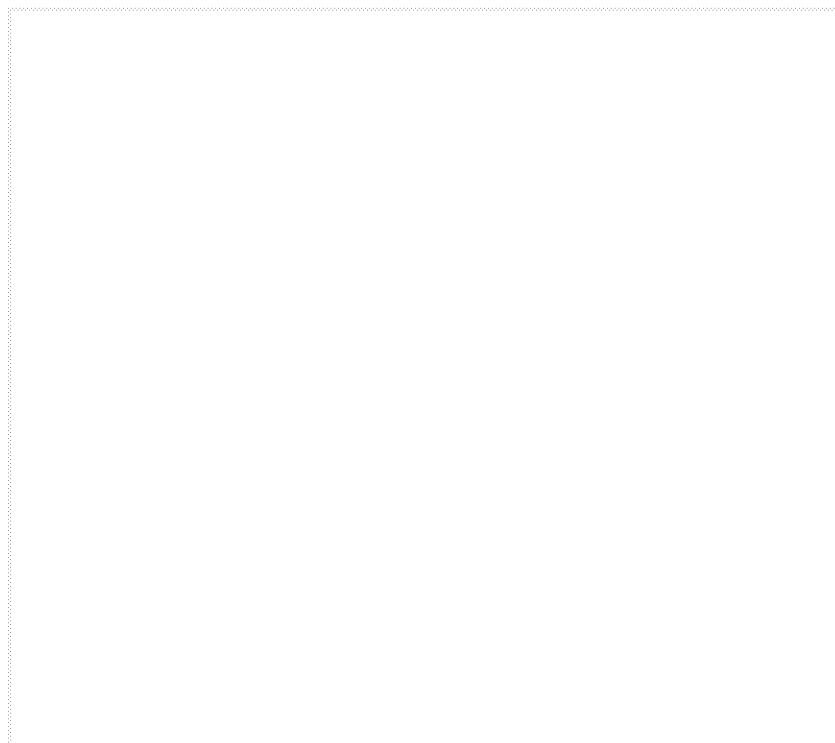
Who's responsible for monitoring air quality in Texas?

TCEQ in the past has butted heads with the EPA, with the groups fighting over who has the ultimate say so in Texas.

HOUSTON — Officials keep saying the air quality is safe, but a lot of our viewers say they don't trust them. Probably because of that huge black cloud of smoke looming over the entire area. But viewers might have another reason.

Let's connect the dots.

Texas is a little different when it comes to tackling environmental issues. I know that's not exactly breaking news.



The state has its own environmental agency called the Texas Commission on Environmental Quality or TCEQ.

And in the past it has butted heads with the Environmental Protection Agency, with the groups fighting over who has the ultimate say so in Texas. As you can imagine, under the Obama administration the EPA fought to more strictly regulate the oil and gas industry, while TCEQ pushed more business-friendly policy.

That has changed under the current administration, with the EPA looking a lot more like TCEQ.

And now TCEQ is monitoring our air quality in the wake of the ITC fire.

They have some help. ITC has hired its own firm to test the air, CTEH.

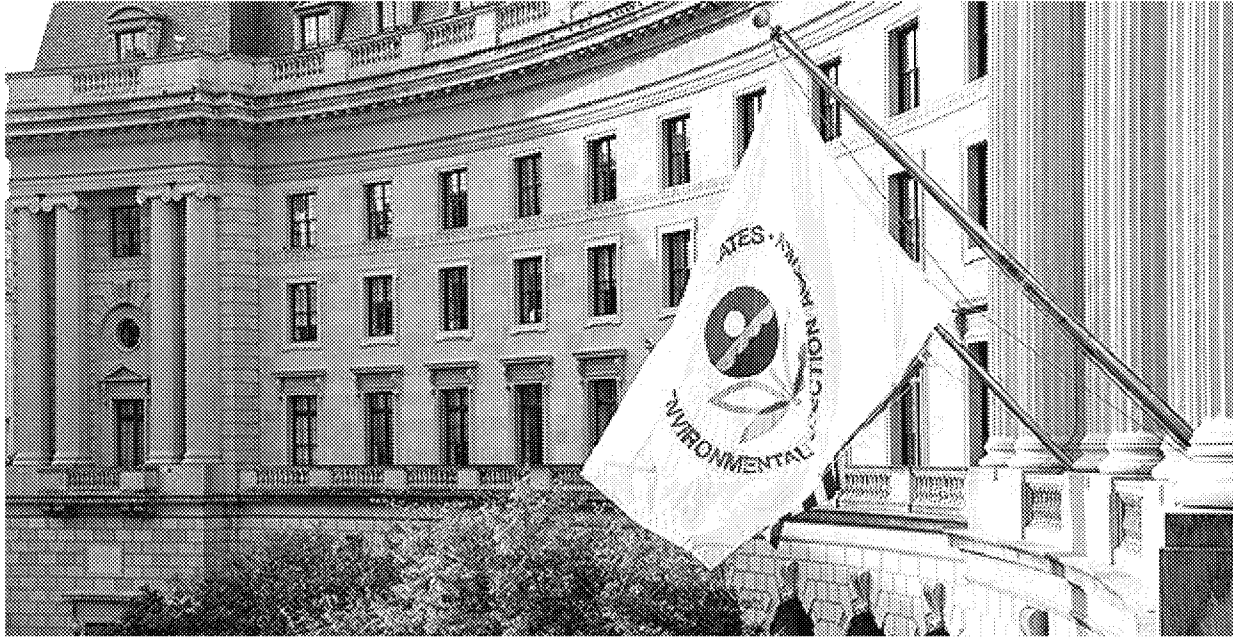
It has had some high-profile jobs monitoring public health before after Katrina and the BP oil spill. But that was controversial. In fact, Congressmen demanded BP stop using CTEH, claiming the company had a history of only releasing info that made the company that hired them look good.

A reminder that figuring out environmental impact in Texas is not always easy.

EPA moves to regulate formaldehyde with health review hidden

Corbin Hiar, E&E News reporter

Published: Wednesday, March 20, 2019



EPA headquarters in Washington. EPA/Flickr

This story was updated at 2:05 p.m. EDT.

EPA today began considering regulations on 40 chemicals including formaldehyde, a widely used carcinogenic substance.

The move — part of an effort to comply with the Frank R. Lautenberg Chemical Safety for the 21st Century Act — immediately prompted concern from public health advocates, who want EPA to first publish its independent assessment of formaldehyde, and praise from the chemical industry.

The Lautenberg act, which in 2016 amended the Toxic Substances Control Act (TSCA) for the first time in 40 years, required EPA to begin risk evaluations of 10 chemicals the following year — a precondition for potential future regulations of the substances.

By 2019, the act called for the agency to undertake an additional 40 evaluations. Half of those evaluations had to be for "high priority" chemicals that EPA believes may present an "unreasonable risk" of harm to humans or the environment.

"We are delivering on the promise of Lautenberg to better assess and manage existing chemicals in commerce and provide greater certainty and transparency to the American public," EPA Administrator Andrew Wheeler said in a statement announcing the newly selected chemicals.

Aside from formaldehyde, the 20 high-priority candidate chemicals include seven chlorinated solvents, six phthalates, four flame retardants, a fragrance additive and a polymer precursor.

EPA selected the 20 substances likely to be designated as "low priority" chemicals from its Safer Chemical Ingredients List.

The Integrated Risk Information System, a science-focused program at EPA whose work is used by other offices to write regulations, has been studying the danger posed by formaldehyde since 1997. The chemical is used in everything from plywood to insecticides.

The IRIS assessment took on new significance in 2011, when a Department of Health and Human Services program determined that formaldehyde was "known to be a human carcinogen."

IRIS was ready to release its formaldehyde review last year. But EPA leaders blocked the program from releasing any of its research, the Government Accountability Office found earlier this month (*E&E News PM*, March 4).

"After years of working on formaldehyde under IRIS, EPA is starting all over again under a different program," Robert Sussman, counsel for Safer Chemicals, Healthy Families, said in an email.

Sussman, who served as senior policy counsel in President Obama's EPA, thinks "the only possible explanation" for moving to regulate formaldehyde without releasing the IRIS review first "is that EPA management does not like the conclusions of the assessment about the hazards of formaldehyde and hopes that the TSCA program under Nancy Beck will deliver an assessment more favorable to the chemical's producers."

Beck, the second-ranking political appointee in EPA's Office of Chemical Safety and Pollution Prevention, was a top executive at the chemical industry trade group the American Chemistry Council (ACC) before joining the Trump administration.

"The correct approach would be for the TSCA program to accept the IRIS conclusions and then add exposure information to make a determination of unreasonable risk," Sussman added. "Instead, EPA wants the TSCA office to review and likely water down the IRIS determinations."

EPA downplayed concerns that it was moving to disregard IRIS's work on formaldehyde.

"Moving forward evaluating formaldehyde under the TSCA program does not mean that the formaldehyde work done under IRIS will be lost," Alexandra Dapolito Dunn, Beck's boss and the newly confirmed head of the chemical safety office, said in the release.

"In fact, the work done for IRIS will inform the TSCA process," Dunn added. "By using our TSCA authority, EPA will be able to take regulatory steps; IRIS does not have this authority."

Meanwhile, ACC praised EPA for moving forward with the required risk evaluations while casting doubt on the need for any new regulations.

"With the announcement of the next set of candidate substances for prioritization, EPA met another important milestone and further demonstrated its commitment to meeting its statutory deadlines for implementing TSCA in an efficient manner that is consistent with congressional intent," spokesman Jonathan Corley said in a statement.

"It is also important to note that neither this announcement nor any final high priority designation represents a finding of risk by EPA," Corley said. "Rather, that is the role of a TSCA risk evaluation."

That entire process of prioritizing, evaluating and managing the risks posed by formaldehyde and the other potentially hazardous chemicals could take up to six years to complete.

But an EPA spokesperson emphasized that the agency could move much faster than that.

"If formaldehyde is determined to be a high priority chemical at the end of the prioritization process in December, EPA would then begin risk evaluation in January of 2020," the spokesperson said in an email sent after the publication of this story. "A risk evaluation under TSCA cannot take longer than 3 to 3.5 years, and nothing precludes EPA from releasing any health information prior to [the] 3 year deadline."